



# City Council Agenda

Council President  
**Tom Boyajian**

Councilmembers

**Garry Bredefeld**, Acting Council President  
**Chris Mathys**,  
**Henry Perea**

**Sal Quintero**  
**Daniel Ronquillo**  
**Ken Steitz**

City Manager  
**Jeffrey M. Reid**

City Clerk  
**Rebecca E. Klisch**

City Attorney  
**Hilda Cantú Montoy**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 498-1321

The City Council welcomes you to this meeting.

**TUESDAY, AUGUST 15, 2000**

**IF YOU WOULD LIKE TO SPEAK, FILL OUT A SPEAKER REQUEST FORM AVAILABLE FROM THE CITY CLERK'S OFFICE AND IN THE COUNCIL CHAMBERS. THE AGENDA IS AVAILABLE ON ([www.ci.fresno.ca.us](http://www.ci.fresno.ca.us)). THE COUNCIL MEETING CAN ALSO BE HEARD LIVE AT THE SAME WEB SITE ADDRESS.**

## **TIME SCHEDULED HEARINGS AND MATTERS**

**8:30 A.M.** Presentation by IAFF, Local 753 Fresno Firefighters on labor issues

**Action Taken:**

**9:00 A.M. - NOON CLOSED SESSION**

**A. CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6**

**City Negotiator(s):** Jorge Aguiniga, Andrew T. Souza

**Employee Organization(s):** Amalgamated Transit Union, Local 1027 (ATU); IAFF Non-Management Unit 5, IAFF Management Unit 10 Firefighters and Fresno Police Officers Association (FPOA)

**Action Taken:**

**B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)**

**1. Case Name:** Fentress Bradburn Architects, Ltd. v. City of Fresno

**2. Case Name:** Pacific Bell v. City of Fresno - Fresno Diamond Group

**3. Case Name:** Champion Industrial Contractors, Inc. City of Fresno

**Action Taken:**

<b>TIME SCHEDULED HEARINGS AND MATTERS CONTINUED</b>
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**9:00 A.M. - NOON    CLOSED SESSION CONTINUED**

**C.      CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)

**Significant Exposure to Litigation:**

**1.      Case Name:**    City of Fresno v. Dan Green's Wood Recycling, Inc.

**10:00 A.M.    HEARING** regarding City of Fresno Community Facilities District No. 2, Annexation No. 22 (Tract No. 4944) re: Community Facilities District No. 2, Annexation No. 22 (***Continue to 2:30 p.m.***)

**Action Taken:**

**10:15 A.M.    HEARING** pursuant to the Tax Equity and Fiscal Responsibility Act (TEFRA) of 1982 regarding the proposed issuance of tax-exempt securities on behalf of the Community Hospitals of Central California Obligated Group (***Continue to 2:35 p.m.***)

**Action Taken:**

**10:30 A.M.    HEARING** to consider Rezoning Application No. R-00-18 and related environmental findings, filed by Trend Homes, Inc., for 10.3 acres located on the northeast corner of N. Polk and W. Bullard Avenues Rezone Appl. No. R-00-18, filed by Trend Homes, property located on the northeast corner of Polk and Bullard (***Continued to 2:45 p.m.***)

**Action Taken:**

**10:45 A.M.    HEARING** to consider Rezoning Application No. 99-47 and Amendment to Official Plan Line Serial No. 90-04 and related Environmental Assessment No. R-99-47/C-99-178, filed by Westlands Hotels for 8.09 acres on the north side of E. Shaw Avenue between Freeway 41 and N. Fresno Street

(***Continue to 3:00 p.m.***)

**Action Taken:**

**11:15 A.M.    CONTINUED HEARING** to consider adoption of Text Amendment No. TA-00-03, adding banquet and/or conference facilities to the M-1-P zone district (***Continue to 3:30 p.m.***)

**Action Taken:**

**1:30 P.M.    COUNCIL ROLL CALL**

Invocation by Bruce Kinabrew, Council Assistant for District 4

Pledge of Allegiance to the Flag

Proclamation of "MAC FOSTER DAY" - Council President Boyajian

**COUNCIL ACTION OF UNSCHEDULED ITEMS, IF ANY, SHALL BE LIMITED TO REFERRING THE ITEM TO STAFF FOR A REPORT AND POSSIBLE SCHEDULING ON A FUTURE COUNCIL AGENDA. FOR EACH MATTER CONSIDERED BY THE COUNCIL, THERE WILL FIRST BE A STAFF PRESENTATION, FOLLOWED BY A PRESENTATION FROM THE PROJECT APPLICANT. TESTIMONY FROM THOSE IN ATTENDANCE WILL THEN BE TAKEN. ALL TESTIMONY GIVEN WILL BE LIMITED TO THREE MINUTES PER PERSON.**

**THE THREE LIGHTS ON THE PODIUM NEXT TO THE MICROPHONE WILL INDICATE THE AMOUNT OF TIME REMAINING FOR THE SPEAKER. THE GREEN LIGHT WILL BE TURNED ON WHEN THE SPEAKER BEGINS. THE YELLOW LIGHT WILL COME ON WITH ONE MINUTE REMAINING AND ONE TONE WILL SOUND. THE SPEAKER SHOULD BE COMPLETING THE TESTIMONY BY THE TIME THE RED LIGHT COMES ON AND TWO TONES SOUND, INDICATING THAT TIME HAS EXPIRED.**

Approve minutes of July 25, 2000

**Action Taken:**

Approve Agenda

**Action Taken:**

Adopt Consent Calendar

**Action Taken:**

**2:00 P.M.**

**DISCUSSION OF CONTESTED CONSENT ITEMS (IF ANY)**

**2:25 P.M.**

Request by Mayor Patterson for Council to reconsider action denying adoption of the third amendment to PAR No. 2000-184 adding four (4) positions, one (1) position to the business office and three (3) positions to the Police Department's property and evidence room

**Action Taken:**

- a. **RESOLUTION** - 3<sup>rd</sup> amendment to PAR No. 2000-184 adding four (4) positions to the Police Department budget

**2:30 P.M.**

**CONTINUED HEARING** regarding City of Fresno Community Facilities District No. 2, Annexation No. 22 (Tract No. 4944)

**Action Taken:**

- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax  
**Action Taken:**
- b. **RESOLUTION** - Calling special mailed-ballot election  
**Action Taken:**
- c. **RESOLUTION** - Declaring election results  
**Action Taken:**
- d. \* **ORDINANCE** - Levying a special tax for the property tax year 2000-2001 and future tax years withing and relating to Community Facilities District No. 2, Annexation No. 22, City of Fresno,

***\*ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

<b>TIME SCHEDULED HEARINGS AND MATTERS CONTINUED</b>
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**2:35 P.M.**     **CONTINUED HEARING** pursuant to the Tax Equity and Fiscal Responsibility Act (TEFRA) of 1982 regarding the proposed issuance of tax-exempt securities on behalf of the Community Hospitals of Central California Obligated Group

**Action Taken:**

- a.     **RESOLUTION** - Approving a Certificate of Participation financing for the Community Hospitals of Central California Obligated Group to fund a capital expansion program

**Action Taken:**

**2:40 P.M.**     Appearance by Bob Brown of Veterans Stand Down to discuss concerns of the homeless veterans of Fresno and request Council to assist in the funding of a shelter for the homeless veterans during the winter - Councilmember Quintero

**Action Taken:**

**2:45 P.M.**     **CONTINUED HEARING** to consider Rezoning Application No. R-00-18 and related environmental findings, filed by Trend Homes, Inc., for 10.3 acres located on the northeast corner of N. Polk and W. Bullard Avenues

**Action Taken:**

- a.     Consider Environmental Assessment/Mitigated Negative Declaration No. R-00-18

**Action Taken:**

- b.     **BILL** - Amending the Official Zone Map to rezone property from the R-3/UGM/cz and R-A/UGM zone districts to the R-1/BA-15/UGM zone district

**Action Taken:**

**2:50 P.M.**     **CONTINUED HEARING** to approve assessments for costs incurred by the City for weed discing, trash and debris removal and code enforcement actions for fiscal years 1997, 1998, 1999 and 2000

**Action Taken:**

**3:00 P.M.**     **CONTINUED HEARING** to consider Rezoning Application No. 99-47 and amendment to Official Plan Line Serial No. 90-04 and related Environmental Assessment No. R-99-47/C-99-178, filed by Westlands Hotels for 8.09 acres on the north side of E. Shaw Avenue between Freeway 41 and N. Fresno Street

**Action Taken:**

- a.     Consider the Mitigated Negative Declaration prepared for E.A. No. R-99-47/C-99-178

**Action Taken:**

- b.     **BILL** - Amending the Official Zone Map to rezone property from the C-P/BA-30/cz zone district to the C-P/BA-30 zone district

**Action Taken:**

- c.     **BILL** - Amending the Official Plan Line for E. Shaw Avenue, E. San Jose Avenue, N. Thesta Street and N. Fresno Street

***\*ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

**Action Taken:**

**TIME SCHEDULED HEARINGS AND MATTERS CONTINUED**

**3:30 P.M. CONTINUED HEARING** to consider adoption of Text Amendment No. TA-00-03, adding banquet and/or conference facilities to the M-1-P zone district

**Action Taken:**

- a. \* **BILL NO. B-48 (Intro. 7/25/00)** - Consider Text Amendment No. TA-00-03 to the text of the Fresno Municipal Code and related environmental findings, proposing to add “banquet and/or conference facilities” as a use subject to a conditional use permit in the M-1-P Zone District (Section 12-225.3-B)

**Action Taken:**

**3:45 P.M. HEARING** relating to the proposed fees for the Northeast Police Substation

**Action Taken:**

- a. \* **RESOLUTION - 373<sup>rd</sup>** amendment to MFS Resolution No. 80-240 to establish a Police Substation fee for Northeast Fresno

**Action Taken:**

1. Consider CEQA Finding of Statutory Exemption

**Action Taken:**

2. Approve the Statement of Findings

**Action Taken:**

**4:00 P.M.** Appearance by Barbara Hunt requesting Council take action relating to contracting out to complete City of Fresno projects and the process of advertising opening for City jobs

**Action Taken:**

**5:30 P.M. HEARING** to consider Plan Amendment No. 99-21 and Rezoning Application No. R-99-32 and related Environmental Assessment No. A-99-21, R-99-32, filed by Scott Ellis, for 43.2 acres on the north side of E. Shepherd Avenue between N. Cedar and N. Maple Avenues (*Continue to 9/19/00 @ 5:30 P.M.*)

**Action Taken:**

**1A. GENERAL CONSENT CALENDAR**

**(ALL CONSENT CALENDAR ITEMS ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS REQUESTED, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT CALENDAR AND CONSIDERED AT 2:00 P.M.)**

1. \* **RESOLUTION - 23<sup>rd</sup>** amendment to AAR No. 2000-183 appropriating \$8,800 obtained from the State Center Community College District for reimbursement of instructional hours (*Requires 5 affirmative votes*)

**Action Taken:**

2. Authorize the City of Fresno to enter into an agreement with the 21<sup>st</sup> District Agricultural Association to provide policing services at the 2000 Fresno District Fair

***\*ITEMS SUBJECT TO MAYOR’S VETO OR RECONSIDERATION***

**Action Taken:**

1A. **GENERAL CONSENT CALENDAR CONTINUED**

3. Reject all bids for two (2) new turf tractors and award a contract for one (1) new ag tractor  
**Action Taken:**
4. Award a requirements contract for drilling, developing, and testing production wells  
**Action Taken:**
5. Award a contract to furnish and install carwash  
**Action Taken:**
6. Reject low bid and award a contract for two (2) new rear loading refuse trucks  
**Action Taken:**
7. Award a contract for pavement recycling of various streets within the City of Fresno, Fall 2000 - cold-in-place method  
**Action Taken:**
8. Reject low bid and award a contract for task chairs for the Fresno Police Department  
**Action Taken:**
9. Award a contract for workstations and keyboards for the Fresno Police Department  
**Action Taken:**
10. **RESOLUTION** - Concerning Local Transportation Purpose Funds “Measure C”  
**Action Taken:**
11. \* **RESOLUTION** - 26<sup>th</sup> amendment to AAR No. 2000-183 appropriating \$19,500 for the purchase and planting of olive trees on Peach Avenue (***Requires 5 affirmative votes***)  
**Action Taken:**
12. \* **RESOLUTION** - 24<sup>th</sup> amendment to AAR No. 2000-183 appropriating \$30,100 for providing increased grounds and landscape maintenance for the Fresno Municipal Service Center (***Requires 5 affirmative votes***)  
**Action Taken:**
13. Approve Lease Agreement for Community Garden Central California Forum on refugee affairs  
**Action Taken:**
14. \* **RESOLUTION** - 1<sup>st</sup> amendment to Salary Resolution No. 2000-186 amending the salary ranges of three classes, Planner I, Planner II and Planner III  
**Action Taken:**
15. \* **RESOLUTION** - 14<sup>th</sup> amendment to AAR No. 2000-183 appropriating \$29,400 to fund the addition of a Senior Secretary position to the Development Department Administrative Division (***Requires 5 affirmative votes***)

***\*ITEMS SUBJECT TO MAYOR’S VETO OR RECONSIDERATION***

**Action Taken:**

1A. **GENERAL CONSENT CALENDAR CONTINUED**

16. Approve written disclosure of Conflict of Interest by law firm of Dowling, Aaron & Keeler and authorize the City Attorney to execute written waiver of conflict, pursuant to California Rules of Professional Responsibility, regarding AmeriPride Services, Inc., property exchange and BNSF/Shaw-Marks Grade Separation Project

**Action Taken:**

1B. **CONSENT CALENDAR - BILL FOR INTRODUCTION - PINK TABS**

1. **BILL** - Consider Text Amendment No. TA-00-04 to the text of the Fresno Municipal Code and related environmental findings, proposing to remove the restriction of offices on the ground floor only in the R-P District (Section 12-215.1-c) (*Hearing scheduled for August 22, 2000 at 9:30 a.m.*)

**Action Taken:**

2. **PLANNING AND ZONING ADMINISTRATION**

3. **GENERAL ADMINISTRATION**

- A . \* **BILL NO. B-49** (*Intro. 7/25/00*) - Amending Section 3-109.2 of the Fresno Municipal Code relating to construction project management services

**Action Taken:**

- B. Approve the Elaine R. Long Cardroom Management/Pointholder Permit Application - Club One, Inc.

**Action Taken:**

4. **CITY ATTORNEY**

5. **CITY COUNCIL**

- A. Consider approval for a Council override vote of Resolution No. 2000-212 vetoed by Mayor Patterson on July 31, 2000 (*Council action to override Mayoral veto requires 5 affirmative votes*) - Councilmember Mathys

**Action Taken:**

1. **RESOLUTION NO. 2000-212** - 12<sup>th</sup> amendment to AAR No. 2000-183 increasing Council infrastructure budgets to \$140,000 per district

**Action Taken:**

- B. Proposed appointment of Jeff Argyilan to the Bullard Implementation Committee - Councilmember Mathys (*For introduction*)

***\*ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***

**Action Taken:**

5. **CITY COUNCIL ITEMS CONTINUED**

- C. Consider approval for a Council override vote of Ordinance No. 2000-49 vetoed by Mayor Patterson on July 31, 2000 (*Council action to override Mayoral veto requires 5 affirmative votes*) - Acting President Bredefeld

**Action Taken:**

1. **ORDINANCE NO. 2000-49** - Repealing Ordinance No. 80-108, as amended in Ordinance Nos. 86-73, 91-18, 95-97 and 95-98, and adopting ordinance setting forth the compensation of elective officers

**Action Taken:**

- D. Determination to hold a public hearing to review the Fresno City Planning Commission's action on Conditional Use Permit No. C-00-127 filed by Xeng Pao Moua and Ed Erganian, to authorize the sale of alcoholic beverages at 335 W. Olive Avenue - Councilmember Ronquillo

**Action Taken:**

- E. Request City Manager to identify funding sources for the proposed Fresno City Police Memorial - Councilmember Mathys

**Action Taken:**

1. \* **RESOLUTION** - 29th amendment to AAR No. 2000-183 appropriating \$3,800 of District 3's general fund infrastructure budget and \$3,800 of District 4's general fund infrastructure budget to fund the Fresno City Police Memorial - Councilmembers Ronquillo and Steitz (*Requires 5 affirmative votes*)

**Action Taken:**

- F. \* **RESOLUTION** - 30<sup>th</sup> amendment to AAR No. 2000-183 appropriating \$4,600 of District 3's general fund infrastructure budget to fund \$2,500 for the Fresno Cross City Race and \$2,100 for All America City delegate's polo shirts - Councilmember Ronquillo (*Requires 5 affirmative votes*)

**Action Taken:**

- G. Request report on status of four (4) firefighters - Council President Boyajian

**Action Taken:**

6. **CITY/COUNTY INTERGOVERNMENTAL RELATIONS**

7. **UNSCHEDULED ORAL COMMUNICATIONS** - You may address the City Council at the conclusion of the Council meeting regarding items that are not listed on the agenda. The policy is to limit your presentation to three (3) minutes pursuant to Ordinance No. 96-67. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk

***\*ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***



Department at least 10 days prior to the desired date of appearance.

<b>SCHEDULED COUNCIL HEARINGS AND MATTERS</b>
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<b>Aug.</b>	<b>22 -</b>	<b>9:30 A.M.</b>	<b>HEARING</b> re: TA-00-04 to remove restriction of offices on the ground floor only in the R-P district
<b>Aug.</b>	<b>22 -</b>	<b>10:00 A.M.</b>	<b>HEARING</b> re: Community Facilities District No. 2, Annexation No. 23
<b>Aug.</b>	<b>29 -</b>	<b>11:00 A.M.</b>	Appearance by Steve Hoyt with Local Government Commission to make a presentation of Reducing Motor Vehicle Emissions (REMOVE), infill housing project for the City of Fresno - Council President Boyajian
<b>Aug.</b>	<b>29 -</b>	<b>9:30 A.M.</b>	<b>HEARING</b> re: P.A. No. A-00-04, Rezone Appl. No. R-00-06, filed by Burgess Smith Development
<b>Aug.</b>	<b>29 -</b>	<b>11:00 A.M.</b>	<b>HEARING</b> re: R-00-011, property located at 6875 N. Milburn, filed by Richard Ginder, Jr.
<b>Aug.</b>	<b>29 -</b>	<b>5:00 P.M.</b>	<b>HEARING</b> re: P.A. No. 00-03, Rezone Appl. No. 00-04, filed by Beal Properties, Inc.
<b>Aug.</b>	<b>29 -</b>	<b>5:30 P.M.</b>	<b>CONTINUED HEARING</b> to consider P.A. No. 99-21 and Rezone Appl. No. R-99-32, filed by Scott Ellis, for 43.2 acres on the north side of E. Shepherd Avenue between N. Cedar and N. Maple Avenues
<b>Sept.</b>	<b>5 -</b>	<b>NO MEETING</b>	<b>COUNCIL VACATION</b>
<b>Sept.</b>	<b>12 -</b>	<b>NO MEETING</b>	<b>COUNCIL VACATION</b>
<b>Sept.</b>	<b>19 -</b>	<b>10:00 A.M.</b>	<b>HEARING</b> re: Rezone Appl. No. R-00-20, filed by Norman and Iola Mae Liddell
<b>Sept.</b>	<b>26 -</b>	<b>10:00 A.M.</b>	<b>HEARING</b> re: Behymer/Maple Reorganization No. 3, filed by the City of Fresno

***\*ITEMS SUBJECT TO MAYOR'S VETO OR RECONSIDERATION***